

A N  
A C T

F O R

Making and Keeping in Repair, A  
Road from the Town of *Ballynagarr*, in  
the *King's* County, through the *Bogg* of  
*Allen*, and Lands Adjacent to the Town of  
*Clane*, in the County of *Kildare*.

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D U B L I N:

Printed by GEORGE GRIERSON, Printer to the King's  
Most Excellent Majesty, at the *King's Arms* and *Two*  
*Bibles* in *Essex-Street*. MDCCLII.





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Adjacent to the Town of *Clane*, in the Coun-  
ty of *Kildare*.

## C H A P. XX.

**W**H E R E A S the High-Way or  
Road Leading from the Town of  
*Ballynagarr*, in the *King's* County,  
to the Town of *Clane*, in the County of  
*Kildare*, by Reason of a great Tract of  
*Bogg*, at present Impassable, is carried  
many Miles about:

4 U 2

And



And Whereas, if a Road was carried in a more Direct Line, it might be Considerably Shortened, which by the Ordinary Course Appointed by the Laws and Statutes of this Realm, cannot be Effectually Done, and Kept in Good and Sufficient Repair:

And Whereas the Making the said Road will be of great Advantage to the Publick, by being a Means of Draining and Improving the said large Tract of Bogg; Wherefore, and to the Intent that the said High-Ways and Roads may, with Convenient Speed, be Effectually Made, and hereafter Kept in Good and Sufficient Repair, so that all persons may Travel through the same with Safety;

Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Making, Amending, and Keeping in Repair the said High-Way or Road, It shall be in the Power of the Right Honourable James Earl of Kildare, the Right Honourable Richard Lord Viscount Molesworth, the Right Honourable Robert Lord Viscount Bellfield, the Right Honourable Charles Lord Baron of Tullamoore, the Right Honourable



Honourable Sir Arthur Gore Baronet, the  
Honourable William Conolly Esquire, Sir  
Laurence Parsons Baronet, Sir Kildare Dixon  
Burrowes Baronet, Sir Fitzgerald Aylmer Ba-  
ronet, Sir Matthew Aylmer Baronet, John  
Bourke, John Digby, Henry Lyons, Robert  
Downs, Henry L'Estrange, Richard Malone,  
Arthur Gore, James Stopford, Thomas Burgh,  
George Warburton, Robert Harmon, Simon  
Digby, Agmondisham Vesey, Anthony Marlay,  
Charles Hamilton, Arthur Dobbs, Simon Lut-  
terel, Esquires, Reverend Benjamin Digby,  
James Hamilton, James Clark, Nicholas Wa-  
gan, Francis Savage, Francis Lumm, Council-  
lor Frederick Trench, Frederick Trench the  
Younger, Henry Hatch, Samuel Lucas, Henry  
Aston, Theobald Wolfe, Thomas Wolfe, Es-  
quires, the Reverend Daniel Jackson, the  
Reverend Samuel Sheppard, Edward Elefmere,  
Thomas Crofton, William Grave, John o'Con-  
nor, Francis Mc. Gawley, Thomas Sherlock, Ed-  
ward Hussey, Boyle Spencer, Warneford Arm-  
strong, Esquires, the Reverend Francis Lata-  
biliere, the Reverend Michael Cahil, Mr. James  
Wedgwood, Mr. John Kemey's, Mr. Thomas  
Fitzgarald of Dunburn, Mr. Sylvester Shaw, Mr.  
Ralph Briscoe, Mr. Richard Odium, Mr. Hen-  
ry Odium of Carpincor, Mr. Thomas Willson,  
and Mr. Edward Briscoe, Who are hereby  
Nominated and Appointed Trustees of  
the said Roads, and the Survivors of  
them, or any Nine or more of them, or  
such Person or Persons as they, or any  
Nine, or more of them, shall Authorize and  
Appoint,



Appoint, shall and may Erect or Cause to be Erected, One or more Gate or Gates, Turn-pike or Turn-pikes, in, upon, or across any Part or Parts of the said Highways and Roads, and also a Toll-house or Toll-houses, and there shall Receive and Take the Tolls and Duties following; Before any Horse, Mare, Gelding, Ass, or Mule, Cattle, Coach, Berlin, Chariot, Calash, Chaile, Chair, Waggon, Wain, Cart, Carr, or other Carriages, shall be permitted to pass through the same, (Viz.) For every Coach, Berlin, Chariot, Calash, Chaile, or Chair Drawn by Six Horses, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaile or Chair, Drawn by any lesser Number of Horses, Geldings or Mares than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaile or Chair, Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart, or other Carriage with four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage with Two Wheels, Drawn by more than Two Horses, Mares, Geldings, or Oxen, the Sum of five Pence; For every Cart, Carr, or other Carriage, Drawn with Two Horses, Geldings, or Mares, the Sum of four Pence; For every Carriage commonly called a Chair



Chair or Chaile, with One Horse, Mare, or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare, or Gelding, the Sum of One Penny; Excepting Carts Loaden with Turf, and for each of them One Half-penny; And for every Horse or other Cattle Loaden with Turf, not Drawing, One Half-penny; For every other Horse, Mare, Gelding, Mule, or Ass, Loaden or Unloaden, and not Drawing, One Penny; For every Drove of Oxen, Colts, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any greater or lesser Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum and Sums of Money shall be Demanded, and Taken in the Name of, or as a Toll or Duty; And the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees; And the same, and every Part thereof, shall be Paid, Applied and Disposed of, and Assigned, to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Mentioned and Directed; And the said Trustees, or any Nine or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Nine or more of them, under their Hands and Seals



CHAP.  
XX.

thereunto Authorized, to Levy the Toll  
or Duty hereby Required to be Paid up-  
on any Person or Persons, who shall af-  
ter Demand made thereof, Neglect or Re-  
fuse to pay the same, by Distress of any  
Horse or Horses, or other Cattle or Goods  
upon which such Toll or Duty is by  
this Act Imposed, or upon any of the  
Goods and Chattels, of such Person and  
Persons who ought to pay the same,  
and may Detain and Keep the same,  
until such Toll or Duty with the rea-  
sonable Charges of such Distraining or  
Keeping shall be paid; And it shall  
and may be Lawful, to and for the  
Person or Persons so Distraining, after  
the Space of five Days after such Dis-  
tress Made and Taken, to Sell the Goods  
Distained, Returning the Overplus (if  
any be) upon Demand to the Owner  
thereof, after such Toll, Duty, and Rea-  
sonable Charges for Distraining and Keep-  
ing the same, shall be Deducted and Paid.

And be it further Enacted by the Autho-  
rity aforesaid, That out of the First Mo-  
ney Arising from the Profits of the several  
Turn-Pikes to be Erected, the said Trus-  
tees, or any Nine or more of them, shall  
first pay and Discharge the Expence of  
Procuring this Act of Parliament, and of  
Erecting such Turn-Pike or Turn-Pikes,  
or Building such Toll-House or Toll-  
Houses, and from and after such Charges  
and



and Expences shall be fully Satisfied and Paid, that then and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-Pike or Turn-Pikes, to be Erected or Set up on the said Road, Leading from the Town of Ballynagar, in the King's County, through the Bogg of Allen, and adjacent Lands, to the Town of Clane, in the County of Kildare, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto any Turn-Pike to be Erected in Pursuance of this Act, shall, for Gain, Reward, or Otherwise, Permit any Person or Persons whatsoever to Pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Mule, Ass, or any Sort of Cattle, to Avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and



CHAP.

XX.

Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any five or more of them, or such Justice or Justices, Rendering the Overplus (if any be) the Charges in Taking and Disposing of the said Goods, being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any nine or more of them, to Erect One or more Gate or Gates, Turn-Pike or Turn-Pikes on the Side of the said High-Ways or Roads, Cross any Lane or Way Leading out of the said Road, and to Build One or more Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge in Case of Passing through any of the other Turn-Pikes, to be Erected by Virtue of this Act, from the Tolbn of Ballynagar, in the King's County, through the Bogg of Allen, and Adjacent Lands, to the Tolbn of Clane, in the County of Kildare.

And



And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at their first Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate, and Appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act, and also One or more fit Person or Persons to be Surveyor or Surveyors to see the Condition of the said High-Way or Road, and to see that the same be Made, Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act be duly Applied, and from Time to Time to Remove such Collectors, Receivers, and Surveyors, or any or either of them, as they shall see Occasion, and Appoint New Ones in Case of Death, or of such Removal; And such Person or Persons as is or are Liable by this Act to pay the said Toll or Duty is, and are hereby Required to pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf, from Time to Time, Appointed as aforesaid, for the Receiving the said Toll or Duty, and such Surveyor or Surveyors, as aforesaid, shall, upon Oath, if thereto Required, by the



CHAP. Trustees, or any Nine or more of them, or  
XX. before One or more Justice or Justices of  
the Peace, Residing near the High-Way  
or Road aforesaid, which hath such Trust-  
tees, or any Nine or more of them, or  
such Justice or Justices is, and are here-  
by Impowered and Required to Admini-  
ster, on the first Tuesday in every Month,  
or oftener, if Required, during the Con-  
tinuance of this Act, give in a True,  
Exact, and Perfect Account, in Writ-  
ing, under their respective Hands, of all  
Monies which he and they, and every,  
or any of them, shall to such Time have  
Received, Paid, and Disbursed, by Vir-  
tue of this Act, by Reason of their respective  
Offices, for which hath no Fee or Re-  
ward shall be taken, and in Case any Mo-  
ney, so Received, shall Remain in their,  
or any of their Hands, the same shall be  
Paid to the said Trustees, or any Nine or  
more of them, or to such Person or Persons  
as the said Trustees, or any Nine or more  
of them, shall by any Writing or Writ-  
ings, under their Hands and Seals, Au-  
thorize and Impower to Receive the same,  
which shall be Disbursed and Laid out in  
Making the said High-Way or Road, ac-  
cording to the true Intent and Mean-  
ing of this Act, and not otherwise; And  
the said Trustees, or any Nine or more,  
to Whom such Account shall be Giv-  
en, shall, and may out of the Money  
arising by the said Toll or Duty,  
make



make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for, and in Consideration of his and their Care and Pains, respectively Taken in the Execution of his, and their Office and Offices, and to such or other Person or Persons as have been, or shall be Assisting in and about procuring the said High-Way and Road to be Made and Repaired, by Advancing and Laying out any Money, or otherwise Relating thereunto, as to them shall seem good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings and Six Pence per Day, during such Time or Times as he or they shall be respectively Employed in the Making and Repairing of the said Road, and so as such Allowance or Allowances, to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment, unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Nine or more of them, as aforesaid, that



CHAP. that then the said Justices of the Peate,  
 XX. at any Special Sessions or Meeting of  
 them, to be holden for the County in  
 which the said Receiver or Receivers,  
 Collector or Collectors, have Acted or  
 been Employed, and made such Default  
 as aforesaid, shall, and are hereby Re-  
 quired and Impowered to make Enquiry,  
 and finally to Determine of and Con-  
 cerning such Default, as well by the Con-  
 fession of the said Parties themselves, as  
 by the Testimony of One or more Credi-  
 ble Witnesses or Witnessess, upon Oath,  
 which Oath they are hereby Impowered  
 and Required to Administer Without Fee  
 or Reward, and if any Person or Persons  
 shall be Convicted thereof, by such Justi-  
 ces, the said Justices shall, upon such  
 Conviction, Commit the Party or Parties  
 to the Common Goal of the County  
 where such Offence shall be Committed,  
 there to Remain, without Bail or Main-  
 prize, until he or they shall have made a  
 True and Perfect Account and Payment  
 as aforesaid.

And be it Enacted by the Authority  
 aforesaid, That it shall and may be  
 Lawful, to and for the said Surveyor  
 or Surveyors, and such Person or Persons,  
 as he, or they shall Appoint to Dig,  
 Raile, Gather, Take and Carry away,  
 any Gravel, Furze, Sand, Stones or  
 other Materials, in the several Grounds  
 of



of any Person or Persons, not being CHAP. XX.  
 a Garden, Orchard, Yard or Meadow, planted Walk, or Walks, or Avenue to  
 a House, Where any such Materials are, or  
 may be found, and from Time to Time to  
 Carry away such, and so much thereof, as  
 the said Surveyor or Surveyors shall Ad-  
 judge Necessary for the Making, Repair-  
 ing, and Amending the said High-Ways or  
 Roads, Paying such Rate for such Ma-  
 terials to the Owner or Occupier of the  
 Ground, from Whence the same shall be  
 Digged, Raised, Gathered and Carried a-  
 way, as the Trustees Appointed, or to be  
 Appointed, to Put this Act in Executi-  
 on, or any Nine or more of them, shall  
 Adjudge Reasonable; And in Case of a-  
 ny Difference between such Owner or  
 Occupier, and the said Trustees touch-  
 ing the Value of the Materials and the  
 Damage aforesaid, the Judges of Assize,  
 at the next General Assize, and Gene-  
 ral Goal Delivery, to be Holden in the  
 County, Where such Materials shall be  
 Raised, Digged, or Gathered, and from  
 Whence the same shall be Carried away,  
 may and shall Adjudge, Assess, and fi-  
 nally Determine the same.

And be it further Enacted by the Au-  
 thority aforesaid, That it shall and may  
 be Lawful to and for the Surveyor or  
 Surveyors, and such Person or Persons  
 as he or they shall Appoint from Time  
 4 3 2 to



CHAP.

XX.

to Time, to Remove and prevent Annoyances on any Part of the said High-Ways or Roads hereby intended to be Made and Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks, or Drains Running into the said High-Ways or Roads, and to Cleanse any Ditch or Water-Course Adjoyning to the said Roads, and to Cut down, Lop, or Top any Trees or Bushes Growing in the said High-Ways, or in the Hedges or Banks Adjacent to the said High-Ways, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of five of the said Trustees, the Charges Whereof shall be Reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before One or more Justice or Justices of the Peace for the said County, where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, Ten Shillings



Shillings, to be Levied in Manner afore-  
said.

And be it further Enacted by the Au-  
thority aforesaid, That it shall and may  
be Lawful to and for the said Surveyor  
or Surveyors, by Order of the said Trus-  
tees, or any five or more of them, to  
Make, or Cause to be Made, Cause-  
ways, and to Cut and Make Drains  
through any Grounds lying Contiguous  
to the said Roads, and to Erect Arches of  
Brick, Timber or Stone, thereupon, and  
also to Widen any of the Narrow Parts  
of the said High-Ways or Roads, by O-  
pening, Clearing, and Laying into the  
said High-Ways or Roads, any Ground of  
any Person or Persons lying Contiguous  
to such High-Ways or Roads, not being  
a House, Garden, Orchard, Planted Walk,  
or Avenue to a House, and also to Cause  
Ditches or Trenches to be made in such  
Places, and in such Manner, as such  
Surveyor or Surveyors, by Order of the  
said Trustees, or any five or more of  
them, shall Adjudge Necessary for the bet-  
ter Making, Amending, and Keeping the  
said High-Ways or Roads in good Repair,  
making such Reasonable Satisfaction to  
the Owner or Occupier of such Ground  
which shall be so Laid in or unto the said  
High-Ways or Roads, through which any  
such Drain or Drains shall be Cut, or on  
which any such Arch or Arches shall be  
made,



CHAP. made, for the Damages Which he or they  
 XX. may or shall thereby Sustain, as shall  
 be Assessed and Judged by the next  
 going Judge or Judges of Assize, or by  
 the Justices of the Peace, or the Major  
 Part of them, at the next General Quar-  
 ter Sessions to be holden for the County in  
 Which such Ground shall be Laid into the  
 said High-Ways or Roads, and through  
 Which any such Drain or Drains, Ditch or  
 Ditches shall be Cut or Made, or on Which  
 such Arch or Arches shall be Erected or  
 Made, or such Cause-Ways Made, in  
 Case of any Difference Concerning the  
 same; And if any Owner or Occupier of  
 any Water-Courses, Ditch or Ditches Ad-  
 joining to the said High-Ways or Roads,  
 shall Neglect or Refuse to Scour or Cleanse  
 such Water-Courses, and to make such  
 Ditches so Deep and in such Manner as  
 the Surveyor or Surveyors shall Adjudge  
 Proper and Convenient, after Ten Days  
 Notice shall be given for that Purpose,  
 by such Surveyor or Surveyors, or such  
 Person or Persons as shall be Appointed  
 by him or them, to such Owner or Own-  
 ers, it shall and may be Lawful to and  
 for the said Surveyor and Surveyors to  
 Set any Man or Men to Work to Scour  
 or Cleanse, and Make the same, and by  
 Warrant in Writing, under the Hands  
 and Seals of any five or more of the  
 said Trustees, to Levy the Charge thereof  
 upon the Persons Goods or Estates of the  
 Owner



Owner or Owners, Occupier or Occupiers of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And Whereas the High-Way or Road, from the Town of Ballynagar, in the King's County, to the Town of Clane, in the County of Kildare, may be Considerably Shortened and Made much more Convenient for Travellers, if the same was Carried Streight, and in a Direct Line, through the Bogg of Allen, and the Adjacent Lands.

And that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Streight as aforesaid;

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe and Set apart, such Part and Proportion of the Lands Adjoining, or Contiguous to the said High-Way or Road, or which otherwise Lyes most Convenient for Carrying on and Continuing the said High-Way or Road Streight and in Direct Lines, as they the said Trustees, or any Nine or more of them



CHAP. them, shall Judge Necessary for Carrying  
XX. the same Streight and in a Direct Line  
as aforesaid; And the said Trustees, or  
any Nine or more of them, are hereby  
further Authorized and Impow-  
ered, to Treat and Agree with the Owners and  
others Interested in the said Ground, to  
be made Use of in Carrying the said Road  
Streight as aforesaid, for such Recom-  
pence and Satisfaction to be made for  
the same out of the Tolls and Duties  
Arising by Virtue of this Act, as the said  
Trustees, or any Nine or more of them,  
shall think fit and reasonable; And in  
Case any Person or Persons shall Neglect  
or Refuse to Treat or Agree as aforesaid,  
or through any Disability by Nonage, Co-  
verture or Special Limitation, in any  
Settlement or Settlements, or by Reason  
of any other Impediment cannot, or other-  
wise holdboever, Refuse to Dispose of their  
respective Interest in such Land as the  
said Trustees, or any Nine or more of  
them, shall think Convenient, for the Short-  
ening the said Road; In every such Case,  
the said Trustees, or any Nine or more of  
them, are hereby Authorized and Impow-  
ered to Issue forth their Warrant or  
Warrants, to the Sheriff or Sheriffs of  
the County wherein such Ground doth  
lie, to Impannel and Return before the  
said Trustees, or any Nine or more of  
them, at such Time and Place, within  
the said County, as shall be Appointed  
in



in such Warrant or Warrants, a sufficient Jury, who upon their Oaths, which said Oaths the said Trustees, or any Nine or more of them, are hereby Impowered and Required to Administer, shall Enquire into the true and real Value of such Ground, to be made Use of for the said High-way or Road, and such Verdict or Inquisitions as shall be so found and returned by the said Jury, Ascertain- ing the Value of such Ground, shall be Final and Conclusiue, as to the several and respective Owners and Proprietors of such Grounds, notwithstanding any Disability or Incapacity whatsoever.

And for as much as the Money so to be Collected by such Receipt of the said Toll, will not be at present Sufficient for the Speedy Making and Repairing of the said High-Ways or Roads;

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Separate Toll or Duty hereby granted, or any Part thereof, the Costs and Charges whereof to be Borne and Paid out of such Separate Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money



CHAP.

XX.

ney by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Re-Payment thereof, with Lawful Interest, or Less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is, by this Act, to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Eleven or more of them, from Time to Time, during the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout to the Person or Persons Named in such Warrant or Order, their Executors, Administrators, or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall, from Time to Time, become Due, until such Time as the Principal Sum mentioned in such Warrant or Order shall be paid off and Discharged at One entire Payment.

Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And



And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to Whom such Warrants or Orders shall be given, his, her or their Executors or Administrators may, by Endorsements on such Orders or Receipts, Transfer their Right and Benefit of the Sum mentioned in such Warrants or Orders, Which Endorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made, in a Book to be kept for that Purpose, Which the said Treasurer or Receiver shall, upon Request, without Charge, Fee, or Reward, make accordingly, and shall, upon the like Request, Permit to be Viewed, at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his or her Executors, Administrators, or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned, and that the said Warrant or Order may, in like Manner, be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons Who made such Assignment, to make Void, Release, or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.



And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out, in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed in Pursuance of this Act, and towards Making and Repairing the said Roads, and that all the Surplus of the said Tolls and Duties hereby made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Roads, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, (to wit,) That when and as often as such Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two hundred Pounds, then the said Treasurer or Receiver shall Cause the Number of all the Warrants or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained to be Written on several



ral Tickets or Pièces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn, and Well Mired together, and an Indifferent Person, to be Appointed by the said Trustees, or any Nine or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Treasurer or Receiver, Publickly Advertised in the Dublin Gazette for that Purpose, at least Twenty Days before, at Philipstown in the King's County, Draw out of such Box or Urn as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his, or their Executors, Administrators or Assigns shall, within Twenty Days after the said Warrants or Orders shall be so Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest Payable by Virtue of such Warrants or Orders shall Cease from the Expiration of Twenty Days to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.



~ Provided alwayes, That in Case there shall be more than One Gate or Turn-pike, in, cross, or on the Side of the said High-Ways or Roads, betwene the Tollen of Ballynagar, in the King's County, and the Tollen of Clane, in the County of Kildare, no Person or Persons having paid the Toll or Duty at the first Gate or Turn-pike through which such Person or Persons shall pass, and producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector and Collectors is, and are hereby Required to give Gratis) shall be Liable to pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon the said High-Way or Roads, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the latter Gate or Turn-pike the same Day, and no Person or Persons having Occasion to pass the Place or Places where the Toll or Duty is taken, who shall Return the same Day upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable the same Day, to pay the said Toll or Duty more than Once on the said Road.

And



And for the preventing Frauds and Un-  
 les in the said Coll or Duty; Be it En-  
 acted by the Authority aforesaid, That if  
 any Person or Persons having paid the  
 Coll or Duty by this Act Granted and  
 made Payable, and having such Note or  
 Ticket, Notes, or Tickets, as is hereby  
 Directed, shall Give or Dispose of the  
 same to any other Person or Persons, in  
 Order to Avoid the Payment of the said  
 Coll or Duty, every such Person Giving,  
 Disposing, or Offering, and the Person Re-  
 ceiving such Note or Ticket, Notes or Tick-  
 ets, and being thereof Convicted, upon the  
 Oath of One or more Witnesses or Wit-  
 nesses, before the said Trustees, or any  
 Five or more of them, or before any One  
 or more Justice or Justices of the Peace  
 for the County, wherein such Offence or  
 Offences shall be Committed, (Which Oath  
 the said Trustees, and the said Justice  
 or Justices are hereby Impowered to  
 Administer) shall respectively Forfeit  
 and pay the Sum of Ten Shillings,  
 to be Levied, Recovered and Disposed of  
 as any other Penalty or Forfeiture is Di-  
 rected to be Levied, Recovered, and Dispo-  
 sed of by this Act.

Provided always, and be it hereby De-  
 clared, That during the Continuance of  
 this Act, all Coaches, and Passengers on  
 Horseback, shall pass and Repass Toll  
 Free,



CHAP.

XX.

Free, on the Day or Days on which there shall be an Election, for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Kildare, and King's County, or for any Burgesses to Serve in Parliament, for any Boroughs in the said Counties respectively; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any fifteen or more of them, may, at any Meeting to be held by them, from Time to Time, as they shall see Convenient or Think Fit, Contract with any Person or Persons for the Farming and Letting the Tolls arising by this present Act, for any Sum or Sums, by the Year, to be Paid by Monthly or Quarterly Payments, or oftner, to such Person or Persons as shall be Appointed from Time to Time by the said Trustees, or any five or more of them, to Receive such Quarterly, or other Payments, as shall be Contracted, after such Contract or Agreement shall be made; Provided such Term, so to be Granted by them, of the said Tolls, shall not exceed the Space or Term of Two Years, at any One Time of Letting or Farming the same, and so times quities.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or  
any



any Nine or more of them, may, and are hereby Impow'ered, from Time to Time as they shall See Convenient or Think fit, to Compound or Agree by the Year or otherwise, With any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, With any Milch Cows, Horse, Mare or Gelding, Ass or Mule, or With any Coach, Berlin, Calash, Chair, Chaise, Waggon, Cart, Carr, or any other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time after such Agreement shall be Made.

Provided also, And be it hereby Declared by the Authority aforesaid, That no Person shall be Charged With any of the Tolls and Duties aforesaid, Who shall Pass through any of the Turn-pikes to be Erected by this Act, Who shall Carry any Quantity of Stones, Gravel, or other Materials, for Making and Repairing the said Roads, or any of the Roads in the Parishes in Which the same do Lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable With the said Toll or Duty, for any Carts, Carcs, or Waggon, Loaden With Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing the same, in the several Parishes in Which the said Road, hereby Intended



to be Made and Repaired, doth Lye;  
 No<sup>r</sup> shall any Toll o<sup>r</sup> Duty be Demand-  
 ed o<sup>r</sup> Taken, at any of the Turn-Pike  
 o<sup>r</sup> Turn-pikes to be Erected, fo<sup>r</sup> any Horse,  
 Mare, Gelding, Als, o<sup>r</sup> Mule, o<sup>r</sup> other  
 Cattle Going to Water, o<sup>r</sup> fo<sup>r</sup> any Post-  
 Horse Carrying the Mail o<sup>r</sup> Packet, o<sup>r</sup> fo<sup>r</sup>  
 such Horse as is o<sup>r</sup> shall be Used only to  
 Ride on, by the Owner o<sup>r</sup> Driver of any  
 Waggon, Cart o<sup>r</sup> Carriage, Provided  
 such Horse Pass throug<sup>h</sup> the said Turn-  
 Pike o<sup>r</sup> Turn-pikes, With such Waggon,  
 Cart o<sup>r</sup> Carriage; No<sup>r</sup> shall any Toll  
 o<sup>r</sup> Duty be Demanded o<sup>r</sup> Taken fo<sup>r</sup> the  
 Horses of Soldiers Passing, that are up-  
 on their March, o<sup>r</sup> fo<sup>r</sup> Waggon, Carts,  
 Carres, o<sup>r</sup> other Carriages Attending them,  
 o<sup>r</sup> fo<sup>r</sup> Horses, Waggon, Carts, Carres,  
 o<sup>r</sup> other Carriages, Travelling With Wa-  
 grants Sent by Passes, o<sup>r</sup> With Prisoners  
 Transmitted from One Part of the King-  
 dom to another.

And be it further Enacted by the Au-  
 thority aforesaid, That the Toll o<sup>r</sup> Duty  
 hereby Granted, shall Take Place, and  
 have Continuance from and after the first  
 Day of May, One thousand seven hundred  
 and fifty two, fo<sup>r</sup>, and during the Term  
 of Sixty Years.

Provided nevertheless, That if at any  
 Time before the Expiration of the said  
 Term of Sixty Years, all Parts of the  
 said



said Road shall be Sufficiently Made and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication Made, and Repayment of such Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Road or Roads shall be Made and Repaired from the said Tolbn of Ballynagar, in the King's County, through the Bogg of Allen and adjacent Lands, to the said Tolbn of Clane, in the County of Kildare.

And be it further Enacted by the Authority aforesaid, That for the Continuing a Sufficient Number of able Persons, to be Trustees for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any Nine or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from Time to Time, and at all Times hereafter, During the Term aforesaid, to Elect, Nominate,



~ nate, and Appoint in the Room of such Trustee or Trustees so Deceased, Removed, or Refusing to Act, so many more Fit and Able Person or Persons, living in the said King's County, and County of Kildare, to be Joined with the said Trustees in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act, and all and every Person or Persons so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as full, large, and ample a Manner as the said Trustees are by this Act Impowered to do, and so toties quoties, as often as Occasion shall require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall Meet in the Town of Tullamore, in the King's County, on the Third Tuesday in the Month of May next, and the said Trustees shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-Way or Road to be Made or Repaired, as the said Trustees, or any five or more of them, shall think Proper and Convenient, as often as it shall be Necessary for the Putting this Act in Execution;

And



And if it shall happen that there shall not Appear, at any Meeting that shall be Appointed to be had or held by the said Trustees, a sufficient Number of Trustees to Act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, where such Number of Trustees shall be wanting, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where the Meeting of the said Trustees was last Appointed to be had, or at some other Convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been held; And that the said Trustees at their first Meeting, and at all other subsequent Meetings, shall Defray their own Charges and Expences.

Provided alwayes, and be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or Accept of any Place of Profit Arising out of, or by Reason of the Toll or Duty, by this Act Laid or Granted, but such Person or Persons shall be Incapable from the Time of Accepting and Continuing



CHAP. nuing to Enjoy such Place of Profit, of  
XX. Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That no such Trustee or Trustees shall, in his or their own Name or Names, or in the Name or Names of any other Person or Persons, Take and Contract for the Making and Repairing the said Roads, or any Part of them, whereby any Profit may Arise to him or them, but that from such Time he or they shall Cease to be a Trustee or Trustees; And that any Person or Persons that shall Undertake or Contract for the Making or Repairing the said Roads, or any Part of them, shall, if Required, take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same for his or their own Use, and not for the Use of, or in Trust for, any such Trustee or Trustees whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case, the Action shall be Laid in the said King's County, or County of Kildare, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may Plead the  
the



the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited, or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants have in any other Cases by Law. CHAP.  
XX.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and be Judicially taken Notice of as such by all Judges, Justices, and other Persons Whatsoever, Without Specially Pleading the same.